

Hearing Date: March 25, 2025 at 9:00 a.m.
Objection Deadline: March 18, 2025 at 4:00 p.m.

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Outgoing Counsel to Jossef Kahlon

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	Chapter 11
In re:	:	
	:	Case No. 24-10669 JPM
ERICA ITZHAK,	:	
	:	
Debtor	:	
	:	
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**NOTICE OF JOSSEF KAHLON’S FIFTH MOTION FOR AN ORDER PURSUANT TO
BANKRUPTCY RULE 4007(c) AND LOCAL RULE 9006-2 TO EXTEND TIME TO
OBJECT TO DISCHARGE**

PLEASE TAKE NOTICE that a hearing will be held will be held before the Honorable John P. Mastando III, United States Bankruptcy Judge via Zoom for Government¹ or as soon thereafter as counsel can be heard, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”), located at One Bowling Green, New York, New York 10004, on **March 25, 2025 at 9:00 a.m.**, or as soon thereafter as counsel can be heard (the “**Hearing**”), to consider the Jossef Kahlon’s fifth motion (filed on March 2, 2025 and appended hereto) for an order, pursuant to Bankruptcy Rule 4007(c) and Local Rule 9006-2 further

¹ Any party who wishes to attend the Hearing is required to register their appearance 48 hours before any scheduled Zoom® hearing with the eCourtAppearances tool on the Court’s website. Judge Mastando’s Zoom instructions may be viewed at <https://www.nysb.uscourts.gov/content/judge-philip-bentley> The Hearing may be adjourned, from time to time, by announcement in open Court without any further or other notice thereof.

extending his deadline to file a complaint to object to discharge under section 523(a)(6) of the Bankruptcy Code by four (4) weeks to March 31, 2025. **PLEASE TAKE FURTHER NOTICE** that a copy of the Motion may be obtained from the Bankruptcy Court's website at <http://www.nysb.uscourts.gov> using a Pacer password (to obtain a Pacer password, go to the Pacer website at <http://www.pacer.gov>) or by contacting undersigned attorneys by email or telephone.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the Motion:

(1) shall be set forth in a writing describing the basis therefor, and conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court for the Southern District of New York; and

(2) shall be filed and served as follows, so as to be received no later than **March 18, 2025 at 4:00 p.m.:**

(i) shall be filed with the United States Bankruptcy Court for the Southern District of New York (a) in accordance with General Order M-399, electronically, by registered users of the Bankruptcy Court's case filing system, or (b) in accordance with Local Bankruptcy Rules 5005-1 and 9004-1, submitted to the Clerk of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004;

(ii) shall be submitted in hard-copy form directly to the chambers of the Honorable John P. Mastando III, United States Bankruptcy Judge, at the Bankruptcy Court, One Bowling Green, New York, New York 10004 in accordance with Local Bankruptcy Rule 9070-1; and

(iii) shall be served upon: (a) Tarter Krinsky & Drogin LLP, 1350 Broadway, 11th Floor, New York, New York 10018 (Attn: Scott S. Markowitz, Esq.), counsel to the Debtor; (b) the Office of the United States Trustee, Alexander Hamilton Custom House, One Bowling Green, Suite 534, New York, NY 10004-1408 and (c) DarrowEverett LLP, 1 SE Third Avenue

Suite 2520, Miami, FL 33131 (Attn. David Haft, Esq., dhaft@darroweverett.com), Incoming Counsel for Jossef Kahlon.

Dated: March 3, 2025

s/ Minyao Wang

Minyao Wang, Esq.

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**UNITED STATES BANKRUPTCY COURT
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	:	Chapter 11
In re:	:	
	:	Case No. 24-10669 JPM
ERICA ITZHAK,	:	
	:	
Debtor.	:	
-----	X	

**MOTION PURSUANT TO BANKRUPTCY RULE 4007(c) TO FURTHER EXTEND THE
DEADLINE TO OBJECT TO DEBTOR’S DISCHARGE**

Creditor and Interested Party, Jossef Kahlon (“Mr. Kahlon”), by and through undersigned outgoing counsel, hereby respectfully moves this court pursuant to Rule 4007(c) of the Federal Rules of Bankruptcy Procedure and Local Rule 9006-2 of the Local Bankruptcy Rules for the Southern District of New York, for an order further extending by four (4) additional weeks the deadline by which Mr. Kahlon is required to file a complaint under Section 523(c) of Title 11 of the United States Code (the “Bankruptcy Code”) to determine the dischargeability of a debt owed to Mr. Kahlon by the chapter 11 Debtor in the above-entitled action, Erica Yitzhak. (“Ms. Yitzhak”). Mr. Kahlon submits that this deadline should be further extended to **March 31, 2025** due to the departure of his lead counsel from Lewis Brisbois Bisgaard & Smith LLP (“Lewis Brisbois”), the expectation that lead counsel’s new law firm will take over representation of this matter, and a current apparent medical situation facing that lead counsel. In support of his Motion, Mr. Kahlon respectfully states as follows:

1. The circumstances of Ms. Yitzhak's bankruptcy filing and the nature of the dispute between Mr. Kahlon and Ms. Yitzhak were stated in prior submissions to this Court and will be not repeated herein.

2. Pursuant to Rule 4007(c) and as set forth in the Notice of the Section 341(a) meeting (*see* ECF No. 39), the deadline for a creditor to object to discharge of Ms. Yitzhak's liability pursuant to sections 523(a)(2), (4), or (6) of the Bankruptcy Code was September 27, 2024.

3. Rule 4007(c) also gives this Court the discretion to extend the deadline for cause as long as a motion for an extension of time is filed before the expiration of the deadline.

4. Accordingly, on September 27, 2024 (*see* ECF No. 24), Mr. Kahlon filed a motion to extend this deadline on the basis of the then ongoing settlement discussions between the parties. In the motion, Mr. Kahlon originally requested that the deadline be extended to the date that objections to the confirmation of Ms. Yitzhak's Proposed Plan were due.

5. After the filing of this initial motion, Ms. Yitzhak's counsel, Scott Markowitz, advised the undersigned that Ms. Yitzhak was willing to consent to an extension to a date certain, January 6, 2025. The Court thereafter entered an order extending the deadline to January 6, 2025. *See* ECF Nos. 65 and 66.

6. The parties were still engaged in good-faith settlement discussions as the January 6, 2025 deadline approached. The parties therefore stipulated to two additional extensions of the filing deadline, first to January 20, 2025, and then to February 3, 2025. *See* ECF No. 76 (filed on January 6, 2025) and No. 78 (filed on January 18, 2025).

7. In the last week of January, Mr. Kahlon rejected a settlement offer from Ms. Yitzhak. As a result of this rejection, the settlement discussions between the parties were

terminated for the time being. Mr. Markowitz advised by email that he was not willing to stipulate to another extension of the filing deadline. In addition, Ms. Yitzhak thereafter, on February 4, 2025, filed an adversary complaint of her own against Mr. Kahlon. *See* AP Case No. 25-01029.

8. Accordingly, on February 3, 2025, Mr. Kahlon filed a motion (ECF No. 79) for an additional four-week extension (to March 3, 2025) of his deadline to file an adversary complaint against Ms. Yitzhak to determine her dischargeability. In support of that motion, Mr. Kahlon relied on the just-concluded unsuccessful settlement discussions and the fact that his lead counsel, David Haft, was in the process of leaving Lewis Brisbois and joining a new law firm.

9. Neither Ms. Yitzhak nor any other party in interest objected to the motion to extend the deadline to March 3, 2025. A *Certificate of No Objection* was filed on February 12, 2025 (ECF No. 82) and the Court cancelled the scheduled hearing on the matter.¹

10. Mr. Haft has now officially left Lewis Brisbois. Mr. Haft is a partner at Darrow Everett LLP.

11. It is currently anticipated that Mr. Haft will continue to represent Mr. Kahlon at his new law firm. It is further anticipated that undersigned counsel will file a motion to withdraw from this matter as soon as the transition process is formalized.

12. Undersigned counsel attempted to contact Mr. Haft regarding the filing of a notice of appearance at his new law firm and the filing of an adversary complaint before March 3, 2025. Undersigned counsel has not been able to reach Mr. Haft. Mr. Haft's spouse advised

¹ Undersigned counsel has attempted to contact the Court's courtroom deputy via email and phone concerning the status of the entry of the official order extending the deadline to March 3, 2025.

undersigned counsel via text that Mr. Haft is facing a personal emergency of a medical nature and is currently unavailable.

13. As noted above, the literal language of Rule 4007(c) requires a motion for extension be made before the expiration of a deadline. In light of the above situation and out of an abundance of caution, we are filing this extension motion on behalf of Mr. Kahlon.

14. This requested extension is warranted to permit Mr. Kahlon to seamlessly transition his representation to Darrow Everett. It is also necessary to permit Mr. Haft to recover from his apparent health crisis so that he can discuss with Mr. Kahlon how to proceed in this litigation.

15. In addition, Ms. Yitzhak will not suffer any prejudice from this extension, in particular in light of the lack of any meaningful movement with respect to her Proposed Plan.

16. Mr. Markowitz declined to stipulate to the requested extension.

17. Pursuant to Local Rule 9006-2, the filing of this Motion automatically tolls Mr. Kahlon's deadline to file an adversary complaint until the Court can rule on this Motion.

Dated: March 2, 2025

s/ Minyao Wang

Minyao Wang, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically

to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Minyao Wang

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